

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 87 OF 2003

Smt. Clara Viegas,
major, married,
housewife, permanent
r/o Pollem, Loliem,
Canacona, Goa.

...Petitioner.

Versus

1. Director of Panchayats,
office of the Director of
Panchayats, Junta House,
Panaji, Goa,
2. Deputy Director of
Panchayats, Office of the
Deputy Director of
Panchayats, Junta House,
Panaji, Goa,
3. The Sarpanch, Village
Panchayat of Loliem
- Pollem, Canacona, Goa,
4. The Block Development
Officer, Canacona, Goa, and
5. Mr. Noel Correia,
major, married,
permanent r/o Loliem,
Canacona, Goa.

...Respondents.

Shri A. B. D'Sa, advocate for the petitioner.

Smt. Winnie Coutinho, Government Advocate for respondent
nos. 1, 2 & 4.

Shri F. Reis, advocate for respondent no.5.

CORAM : F. I. REBELLO, J.

DATE: 5th June, 2003.

ORAL ORDER

The grievance of the petitioner is to the Order
dated 18th April, 2002, whereby the revision preferred by

respondent no.5 against the Order of the Block Development Officer was allowed and the Panchayat of Loliem-Pollem was directed to issue house number to the revision applicant. It will not be necessary to go into details, as In my opinion the matter can be disposed of on admitted positions.

2. Respondent no.5 had filed an application for declaration as a mundkar, being Case No.MUND/LOLM-POLM/6/89. By Order dated 19th February, 1990, the learned Mamlatdar held that the application of respondent no.5 is allowed to the extent of the portion not acquired. However, he further held that respondent no.5 would have no right under the Act over the property acquired by the Government. The petitioner was aggrieved by the said Order and preferred appeal before the Additional Collector, South Goa, Margao. Though the Additional Collector has made some observations, yet finally he dismissed the appeal preferred. Against that, the petitioner preferred revision application to the Administrative Tribunal, being Mundcar Revision Application No.11/93. The Administrative Tribunal disposed of the said Mundkar Revision Application by Order dated 14th February, 1997. The Tribunal clearly held as under:-

" In fact, it is an admitted position that the petitioner had even paid to the respondent the compensation received by her on account of the acquired portion of the house. Both the applications referred by me hereinabove clearly point out that only a front portion of the house of the respondent was acquired for the road widening."

No revision was preferred. This order was not challenged. In other words, it was clear that the mundkarial house existed, except for a portion. Once that be the case on respondent no.5 having applied to the Village Panchayat, the Village Panchayat was bound to grant a house number.

3. As the Panchayat had not granted a house number, respondent no.5 herein had preferred an appeal before the Block Development Officer, which was dismissed. The revision filed was allowed. It is the subject-matter of the present Writ Petition.

4. From the facts narrated above, I find no error apparent committed by the Deputy Director of Panchayats, South Goa, Margao. Once respondent no.5 was declared as a mundkar and there is a clear finding that only a portion of the house has been acquired, the portion of the house which remained was bound to be given a house number. In that view of the matter, there is no merit in this petition, which is accordingly dismissed. It is pointed out on behalf of the petitioner that she has preferred an appeal which is pending on the ground that respondent no.5 has put up illegal construction. That will be dealt with independently without the appellate authority considering the observations in this order, except to the extent of the portion in respect of

which the Administrative Tribunal had given a finding that it subsists.

Petitioner disposed of with no order as to costs.

F. I. REBELLO, J.

mc.